

REMARKS

The Examiner is thanked for the telephone interview on August 31, 2004 during which the amendments to claims 1 and 20 were discussed. Claims 1 and 20 are amended herein as proposed by the applicants during the telephone interview.

Claims 1, 2, 4-8 and 10-47 remain in this application. Claims 1, 2 and 20 have been amended herein. Claim 3 is canceled herein. Claim 8 has been previously canceled.

As requested by the Examiner, the brief description of the drawings in the specification is amended herein to reflect the changes made by the applicants in the drawings.

The Examiner has indicated that claims 27-47 are allowed, and claims 2-6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 2 has been rewritten in independent form without narrowing its scope, and is believed to be allowable. Claim 3 is canceled in view of the amendment of claim 1. Objected to claims 4-6 have not been rewritten into independent form since base claim 1 from which they depend is believed to be allowable as explained below. Claims 4-6 have been, however, amended herein to depend from claim 1, instead of claim 3.

Reconsideration of the rejection of claims 1, 8, 10-26 as being unpatentable under 35 U.S.C. 103(a) over U.S. Pat. No. 5,806,512 to Abramov et al. ("Abramov") in view of U.S. Pat. No. 5,398,676 to Press et al. ("Press") is requested. It is believed that independent claims 1 and 20, and dependent claims 8, 10-19 and 21-26, patentably distinguish over Abramov and Press at least for any one of the reasons given below.

Regarding claim 1, neither Abramov, nor Press, disclose or suggest in any way, shape or form the limitation that "the pressure generator provides the oscillating pressure at at least one frequency between about 5 pressure cycles per second and about 25 pressure cycles per second." Regarding claim 20, neither Abramov, nor Press, disclose or suggest in any way, shape or form the limitation that "a source of an aerosolized solution " in combination with "the mouthpiece including a port adapted for connection to the source of the aerosolized solution, the aerosolized solution being fed to the mouthpiece along a path not passing through the vest."

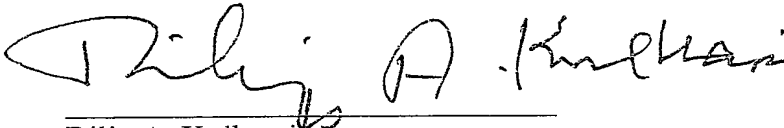
Accordingly, at least for any one of these reasons, applicants respectfully submit that amended independent claims 1 and 20, and dependent claims 8, 10-19 and 21-26, patentably distinguish over Abramov and Press, and hence withdrawal of this 35 U.S.C. 103(a) rejection thereof is respectfully requested.

The rejection of claim 7 is rendered moot because claim 7 depends from claim 1 which is in condition for allowance.

In view of the foregoing amendment and supporting remarks, the subject application is now deemed to be in condition for allowance, and such action is respectfully requested. If the Examiner believes that a telephonic interview would expedite the allowance of this application, he is requested to contact the undersigned for a prompt resolution of any outstanding issues.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages and other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to file 7175-74147.

Respectfully submitted,
BARNES & THORNBURG



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